

Exhibit 4

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

TROOPER 1,

Plaintiff,

v.

NEW YORK STATE POLICE, *et al.*,

Defendants.

Case No. 1:22-cv-00893 (LDH) (TAM)

**NON-PARTY LINDSEY BOYLAN’S RESPONSES AND OBJECTIONS
TO DEFENDANT ANDREW M. CUOMO’S SUBPOENA**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure (the “Federal Rules”), non-party Lindsey Boylan hereby responds and objects to Defendant Andrew M. Cuomo’s Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, dated March 30, 2023 (the “Subpoena”), in the above-captioned action (the “Action”) as set forth below.

GENERAL RESPONSES AND OBJECTIONS

Ms. Boylan’s general responses and objections (“General Objections”), which are incorporated into the specific responses and objections (“Specific Objections”) below and apply to the Subpoena generally and to each Definition, Instruction, and Document Request (the “Requests,” and each, individually, a “Request”) in the Subpoena, are as follows:

1. Ms. Boylan objects to the Subpoena as improper and lacking any legitimate purpose because it seeks information that is not relevant to claims or defenses in this Action, and is intended solely to annoy, embarrass, oppress, harass, intimidate, and retaliate against Ms. Boylan.

2. Ms. Boylan objects to the Subpoena to the extent that it seeks information that is not in Ms. Boylan's possession, custody, or control and because it seeks information that is publicly available, already in the possession, custody, or control of Mr. Cuomo or another party to this Action, or is equally available to Mr. Cuomo from or through another source.

3. Ms. Boylan objects to the Subpoena as premature, unduly burdensome, and not proportional to the needs of the case because it seeks documents while Mr. Cuomo's motion to dismiss the Fourth and Sixth causes of action of the Amended Complaint is pending.

4. Ms. Boylan objects to the Subpoena as premature, unduly burdensome, and not proportional to the needs of the case because Mr. Cuomo has not finished obtaining discovery from the parties to this Action and because it seeks documents while Mr. Cuomo's motions to compel subpoena compliance from the New York State Office of the Attorney General ("OAG") and New York State Assembly Judiciary Committee ("AJC") are pending and while OAG's and AJC's cross motions to quash are pending.

5. Ms. Boylan objects to the Subpoena as premature, unduly burdensome, and not proportional to the needs of the case to the extent the parties have yet to resolve disputes regarding whether any discovery from Ms. Boylan is relevant or will be admissible in this Action. Ms. Boylan has never met, spoken to, or worked with Plaintiff, and Plaintiff has not alleged that conduct toward or allegations by Ms. Boylan affected the terms and conditions of Plaintiff's employment.

6. Ms. Boylan objects to the Requests to the extent that they purport to require production of "all" documents and/or communications concerning the enumerated categories on the grounds that such Requests are overly broad, unduly burdensome, and not proportional to the needs of the case.

7. Ms. Boylan objects to the Subpoena, including the Definitions, Instructions, and Requests therein, to the extent that it purports to impose obligations that are greater or more burdensome than, and/or are contrary to, the obligations imposed by the Federal Rules, the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the “Local Rules”), or any other applicable law, rule, or order.

8. Ms. Boylan objects to the Subpoena, including the Definitions, Instructions, and Requests therein, to the extent that it is overly broad, duplicative, lacking in particularity, unreasonable, unduly burdensome and expensive, and irrelevant, and fails to comply with Federal Rule 45(d)(1) by not taking reasonable steps to avoid imposing undue burden or expense on Ms. Boylan.

9. Ms. Boylan objects to the Subpoena to the extent it seeks documents and information that are protected from disclosure under the attorney-client privilege, the work product doctrine, therapist-patient privilege, or any other applicable privilege, immunity, or protection from disclosure (“Privileged Information”). Nothing contained in these Responses and Objections is intended to be, nor shall in any way be, construed as a waiver of any such privilege, immunity, or protection. Specific Objections on the grounds of privilege are provided for emphasis and clarity only, and the absence of a Specific Objection is not intended, nor should it be interpreted, as evidence that Ms. Boylan does not object to a Request on the basis of an applicable privilege, immunity or protection. Any disclosure of any such privileged or protected material by Ms. Boylan is inadvertent and is not intended to waive any applicable privilege or protection. Ms. Boylan reserves the right to recover any such inadvertently produced materials and all copies thereof.

10. Ms. Boylan objects to the Subpoena to the extent it seeks information that is private, confidential, proprietary, personal, financial, sensitive, or subject to protective orders, nondisclosure agreements, or other confidentiality undertakings (“Confidential Information”).

11. Ms. Boylan objects to the Requests, and each and every Definition and Instruction therein, to the extent that they are argumentative, lack foundation, or contain express or implied assumptions of facts and/or circumstances that do not exist or the occurrence of events that did not take place. Ms. Boylan’s Responses and Objections are not intended, and shall not be construed, as an admission that any factual predicates stated in the Requests are accurate, or as an agreement or concurrence by Ms. Boylan with Mr. Cuomo’s characterization of any facts, circumstances, or legal obligations. Ms. Boylan reserves the right to contest any such characterization as inaccurate.

12. Ms. Boylan objects to Definitions Nos. 4, 5, and 6 because they are overly broad, unduly burdensome, and inconsistent with the provisions of Local Rule 26.3, and purport to impose obligations that are greater or more burdensome than, or inconsistent with, the provisions of Local Rule 26.3.

13. Ms. Boylan objects to Definition No. 12 as overly broad, unduly burdensome, and inconsistent with the provisions of the Federal Rules and the Local Rules, to the extent it purports to impose an obligation on Ms. Boylan to obtain information not within her possession, custody, or control, including from yet additional third parties.

14. Ms. Boylan objects to Instruction No. 2 as overly broad, unduly burdensome, and not proportional to the needs of the case, and to the extent that it calls for information that is not within Ms. Boylan’s possession, custody, or control. Ms. Boylan further objects to Instruction No. 2 to the extent that it purports to impose obligations that are greater or more burdensome than, or inconsistent with, the provisions of the Federal Rules or the Local Rules.

15. Ms. Boylan objects to Instruction No. 5 as overly broad and unduly burdensome. Ms. Boylan further objects to Instruction No. 5 to the extent that it requires Ms. Boylan to prepare and provide a privilege log and/or other logs in a manner inconsistent with the Federal Rules or any other applicable rules, laws, or court orders. Ms. Boylan will provide a privilege log if, as, and when appropriate in accordance with any agreement of the parties and/or order from the Court related to the timing, format, and scope of privilege logs.

16. Ms. Boylan objects to Instruction No. 7 to the extent that it purports to impose obligations on Ms. Boylan to supplement her responses that are greater or more burdensome than required by the Federal Rules or any other applicable rules, laws, or court orders.

17. By serving these Responses and Objections, Ms. Boylan does not waive, and hereby expressly reserves, her right to seek a protective order or to file a motion to quash pursuant to Federal Rules 26(c) and 45(d) as to the Subpoena.

18. Ms. Boylan's Responses and Objections reflect only the current state of Ms. Boylan's knowledge or information regarding the documents or information Mr. Cuomo has requested. Without in any way obligating herself to do so, Ms. Boylan expressly reserves the right at any time to revise, supplement, amend, correct, or clarify these Responses and Objections, including the General and Specific Objections and any other objections propounded herein.

19. Any response by Ms. Boylan that she will or will not search for or produce documents responsive to any of the Requests should not be construed as meaning that relevant documents responsive to any of the Requests exist.

SPECIFIC RESPONSES AND OBJECTIONS

Ms. Boylan's specific responses and objections to the Requests, which do not limit or restrict the General Objections above, are as follows:

Request No. 1: All documents concerning (a) any of Your personal interactions with Governor Cuomo, and/or (b) any allegations of sexual harassment or other misconduct You have made against Governor Cuomo.

Response to Request No. 1: Ms. Boylan objects to Request No. 1 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all documents" without specifying a date range. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the terms "personal interactions" and "other misconduct" are vague and ambiguous. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 2: All documents concerning the OAG Investigation, including but not limited to any communications between You and the OAG and any statements or documents You provided to the OAG.

Response to Request No. 2: Ms. Boylan objects to Request No. 2 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all documents" and "any communications" without specifying a date range. Ms. Boylan objects

to this request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 3: All documents concerning the AJC Investigation, including but not limited to any communications between You and the AJC and any statements or documents You provided to the AJC.

Response to Request No. 3: Ms. Boylan objects to Request No. 3 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all documents" and "any communications" without specifying a date range. Ms. Boylan objects to this request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 4: All documents reflecting any communications between You and any Media Outlet or journalist, including but not limited to news outlets, newspapers, or social media platforms, concerning allegations of sexual harassment or other misconduct against Governor Cuomo.

Response to Request No. 4: Ms. Boylan objects to Request No. 4 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the

documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all documents” and “any communications” without specifying a date range. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the terms “reflecting” and “other misconduct” are vague and ambiguous. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 5: All documents reflecting communications with the Executive Chamber or any of its current or former employees, including Charlotte Bennett, Alessandra Biaggi, Brittany Comisso, Alyssa McGrath, Ana Liss and Kaitlin Moody, concerning Governor Cuomo, including allegations of sexual harassment or other misconduct against Governor Cuomo and any investigation of Governor Cuomo.

Response to Request No. 5: Ms. Boylan objects to Request No. 5 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all documents” without specifying a date range. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the terms “reflecting” and “other misconduct” are vague and ambiguous. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under

New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 6: All documents related to your February 2021 essay published on Medium entitled “My story of working with Governor Cuomo,” including all non-privileged drafts and communications concerning that essay.

Response to Request No. 6: Ms. Boylan objects to Request No. 6 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all documents” without specifying a date range. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the term “related to” is vague and ambiguous. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 7: All communications with Karen Hinton concerning Governor Cuomo.

Response to Request No. 7: Ms. Boylan objects to Request No. 7 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks

“all communications” without specifying a date range. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 8: For the period January 1, 2017 through the present, all communications with Howard Zensky concerning: Governor Cuomo; Your personal relationship and/or sexual relationship with Howard Zensky; and/or a meeting with Alphonso David in January 2018 concerning your relationship with Howard Zensky.

Response to Request No. 8: Ms. Boylan objects to Request No. 8 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all communications” concerning the identified topics. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Confidential Information or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 9: For the time period March 1, 2020 through the present, all documents concerning fundraising or other communications by Your campaigns relating to your allegations of sexual harassment or other misconduct against Governor Cuomo.

Response to Request No. 9: Ms. Boylan objects to Request No. 9 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan

objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all documents” concerning the identified topics. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the terms “relating to” and “other misconduct” are vague and ambiguous. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 10: For the time period March 13, 2020 through June 23, 2020, all communications concerning Governor Cuomo’s March 14, 2020 executive order temporarily modifying election procedures during the COVID-19 public health crisis.

Response to Request No. 10: Ms. Boylan objects to Request No. 10 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all communications” concerning the identified topics. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 11: All communications with Governor Cuomo.

Response to Request No. 11: Ms. Boylan objects to Request No. 11 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended

to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are already in Defendant Cuomo's custody, possession, or control. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all communications" without specifying a date range. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Confidential Information or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 12: All documents and communications concerning your September 2018 resignation from New York State employment, including those relating to meetings with Alphonso David, those regarding any effort or attempt by you to resign prior to that resignation, or those relating to documents you signed or were asked to sign in connection your resignation.

Response to Request No. 12: Ms. Boylan objects to Request No. 12 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all documents and communications" without specifying a date range. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the terms "relating to," "regarding," and "in connection your resignation [sic]" are vague and ambiguous. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 13: All communications concerning workplace complaints about you during your employment by New York State and/or the Empire State Development Corporation.

Response to Request No. 13: Ms. Boylan objects to Request No. 13 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all communications" without specifying a date range. Ms. Boylan objects to this Request because it is vague and ambiguous, including because the term "workplace complaints" is vague and ambiguous. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 14: All communications concerning any effort or attempt by you to retain employment with the State of New York and/or Empire State Development Corporation following your September 2018 resignation, including communications with Stephanie Benton and/or Alphonso David.

Response to Request No. 14: Ms. Boylan objects to Request No. 14 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan's possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks "all communications" without specifying a date range. Ms. Boylan objects to this Request because

it is vague and ambiguous, including because the term “retain employment” is vague and ambiguous. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Request No. 15: All documents and communications concerning the decision by Lupe Todd Medina to stop working for your campaign for Manhattan Borough President.

Response to Request No. 15: Ms. Boylan objects to Request No. 15 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all documents and communications” without specifying a date range. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

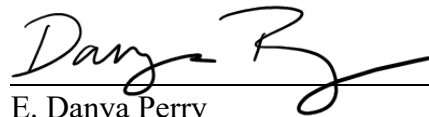
Request No. 16: All videos, images, or photographs of Governor Cuomo or of You with Governor Cuomo and any documents or communications concerning such videos, images, or photographs, including on social media.

Response to Request No. 16: Ms. Boylan objects to Request No. 16 because it seeks documents that are irrelevant to the claims and defenses presented in this Action and is intended to harass, intimidate, and retaliate against Ms. Boylan. Ms. Boylan objects to this Request because it seeks documents not in Ms. Boylan’s possession, custody, or control and to the extent the documents sought are more readily available to Mr. Cuomo through another custodian. Ms. Boylan

objects to this Request because it is overbroad and unduly burdensome, including because it seeks “all videos, images, or photographs” and “any documents and communications” without specifying a date range. Ms. Boylan objects to this Request to the extent it is duplicative of Request No. 1. Ms. Boylan objects to this Request to the extent that it calls for the production of Privileged Information, Confidential Information, or information otherwise protected from disclosure under New York and/or federal law. As such, Ms. Boylan will not produce documents in response to this Request.

Dated: April 25, 2023
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Danya Perry", is written over a horizontal line.

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